

Draft Order laid before the Scottish Parliament under section 57(6) of the Local Government in Scotland Act 2003 for approval by resolution of the Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2008 No.

**LOCAL GOVERNMENT
EDUCATION**

**The Provision of School Lunches (Disapplication of
the Requirement to Charge) (Scotland) Order 2008**

Made - - - - - October 2008

Coming into force - - - - - 1st December 2008

The Scottish Ministers make the following Order in exercise of the powers conferred by section 57(1) and (3) of the Local Government in Scotland Act 2003⁽¹⁾ (“the 2003 Act”) and all other powers enabling them to do so.

In accordance with section 57(6) of the 2003 Act, a draft of this Order has been laid before, and approved by resolution of, the Scottish Parliament.

The Scottish Ministers, with reference to section 57(2)(c) of the 2003 Act, consider that section 53(2) of the Education (Scotland) Act 1980⁽²⁾ prevents local authorities from exercising their power under section 20(1) of the 2003 Act.

⁽¹⁾ 2003 asp 1.

⁽²⁾ 1980 c. 44. Section 53 was amended by: the Social Security Act 1986 (c. 50), section 77; the Self-Governing Schools etc. (Scotland) Act, section 82(1), Schedule 10, paragraph 8(12); the Immigration and Asylum Act, section 169(1), Schedule 14, paragraph 74; the Standards in Scotland’s Schools etc. Act 2000 (asp 6), section 60(2), schedule 3, paragraph 1; the Education (School Meals) (Scotland) Act 2003 (asp 18), section 1; and the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (asp 15), section 6. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act .